



I have an Advisory, Conciliation and Arbitration Service (Acas) settlement (Form COT3) but the respondent has not paid

How do I enforce it?

This leaflet will explain how you can enforce an unpaid Acas settlement using the services of a High Court Enforcement Officer (HCEO) operating through Acas and Employment Tribunal Fast Track.

For details of the other forms of enforcement available and how to enforce a conditional Acas settlement please refer to the County Court leaflet EX329, which is available from any County Court hearing centre or from our website hmctsformfinder.justice.gov.uk

What is the Acas and Employment Tribunal Fast Track?

The Acas and Employment Tribunal Fast Track is operated by Registry Trust Ltd. This allows a HCEO to be allocated to your case at the beginning of the enforcement process. The HCEO will then, through a solicitor, act on your behalf to file your settlement with the County Court, issue the Writ of Control and attempt to recover the monies owed from the respondent.

Is there a charge of this system?

The only charge payable by you will be the court fee to issue the writ of control. The court will add the fee to the amount the respondent already owes.

You can get more information about court fees from court staff or the fees leaflet (EX50 - Civil and Family Court Fees), which is available from any County Court hearing centre, or from our website hmctsformfinder.justice.gov.uk

If you cannot afford the fee, you may not have to pay it in full. Further information is available from court staff, or in the leaflet EX160A – Court and Tribunals Fees – do I have to pay them? which is available from any County Court hearing centre, or from our website hmctsformfinder.justice.gov.uk

The HCEO will not charge you their normal abortive execution fee in the event they are unsuccessful in collecting the monies outstanding, however if this is the case and you do not recover your settlement the court fee is not refundable.

How do I use the Fast Track system?

Enforcement can commence as soon as the Respondent has defaulted in payment of the settlement. To start the Fast Track scheme the form on the next page should be completed and sent to the address given with the requested documents. You will then be contacted by the HCEO assigned to your case.

Can I claim interest on the settlement?

Interest on your settlement is payable only if enforcement proceedings are taken. Interest will then be payable from the date that the money became payable under the agreement (the pay by date); in the absence of a pay by date in the agreement, interest will accrue from the date the agreement was entered into.

How does a declaration by the Respondent affect enforcement of my settlement?

It is possible for the Respondent to make a declaration that the money owed to you is not payable by them under the general law of contract. In order to do this they must make a separate application to either the court or the Employment Tribunal.

If such an application is made then you **cannot** continue to enforce your settlement in court until the declaration application is determined.

However, if you are sure that no such declaration has been made you can advise the HCEO and the court of this by signing the certification on the Enforcement Form.

Where can I find additional information?

The following are some frequently asked questions in relation to the Fast Track which may help with your case:

Q: I have filled in my application form and sent in my cheque for the Court fee of £60.00 — what happens now?

A: Registry Trust will allocate your case to an HCEO on a rota basis. Your HCEO will complete an application to court (Form N471), draft a Writ of Control, which is the HCEO's authority to enforce on your behalf, and send these in to court for issue.

Once accepted by Registry Trust, you will receive an acknowledgement, with a reference number and details of the HCEO instructed on your behalf.

Q: How can I find out how things are progressing?

A: Ring the HCEO's office, quote the reference number and ask the member of staff for a verbal update.

Allow at least 21 days from the date of your application before ringing.

Q: When do I get my money?

A: If all goes well, 14 days or so after payment to the HCEO.

You will receive the amount of your judgment with interest at 8% and costs of £60.00, which will cover your initial court fee.

If your HCEO recovers nothing (because, for example, the respondent company has gone into liquidation), you will not be charged — you will simply have lost your court fee of £60.00.

If your HCEO recovers part only of the judgment you will have the HCEO's fees deducted, but these will be reduced in proportion to the amount he recovers.

Q: How does the HCEO get paid?

A: By recovering his scale fees from successful enforcements and so it is in his interests to succeed on your behalf, otherwise he does not get paid.

HCEOs are regulated by the Lord Chancellor and charge under a fee scale which allows them to add their fees on top of the amount due to you.

The amount the respondent pays in fees will depend on how cooperative he is — the longer it takes to recover your judgment, the more he will have to pay.

Q: Are you sure that this will cost me no more than £60.00?

A: Yes, if the HCEO recovers nothing — that is what the HCEOs agreed with the Ministry of Justice, when the Scheme was set up. But:

As mentioned, you will pay part of the HCEOs fees if there is recovery in part, but these will be reduced in direct proportion to the amount recovered.

If you start negotiating with the respondent, after instructing an HCEO and accept a compromise figure without taking HCEO fees into account, you will be liable for those fees, which will be reduced in proportion to the compromise figure, if appropriate.

You should not deal direct with the respondent after instructing the HCEO.

If there is a claim to goods seized by the HCEO you will be asked if you admit or dispute the claim.

If you dispute the claim the HCEO has to issue a summons for the claim to be decided by the court.

The HCEO will contact you before taking this step to get your instructions on how to proceed, because you will be responsible for the HCEO's costs if the claim is successful.

Make sure that you understand your possible liability for costs, before disputing a claim.

Q: If I am unhappy with the service I receive from the HCEO, what can I do?

A: All HCEOs have an internal complaints procedure — write in and explain why you are unhappy, so that the HCEO can try to solve the problem.

If you cannot agree, then you can take a complaint to the High Court Enforcement Officers Association by writing to the Complaints Officer at 50 Broadway, London SW1H 0RG

Additional information on the Acas and Employment Tribunal Fast Track is also available from the High Court Enforcement Officers Association website at www.hceo.org.uk and from the Registry Trust website at www.trustonline.org.uk

Enforcement form - Acas and Employment Tribunal Fast Track

This form should only be used to authorise a High Court Enforcement Officer to enforce your Acas Settlement, by Writ of Control, on your behalf.

The details you give must match those on your COT3 form.

Your details (Applicant's details)

Name

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Phone number

Address

Postcode

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Postcode

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Email address

Solicitor/Representative's details *(if applicable)*

Name

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Reference no.

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Address

Postcode

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Postcode

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Phone number

Email address

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Respondent's details

Name

Phone number

Address

Postcode

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Postcode

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Email address

Information to assist with Enforcement

Please provide details of any information concerning the respondent that may be useful in the enforcement of your settlement (e.g. trading stock, vehicle details, last known trading address etc.):

I certify that a declaration that this sum would not be recoverable against the respondent under general law of contract has not been made and that no such application is pending.

I authorise Registry Trust Limited to assign this Acas Settlement to a High Court Enforcement Officer and authorise the assigned Officer, under the supervision of a solicitor, to sign form N471A and obtain a Writ of Control to enforce the award.

Applicant's signature _____

Print name _____ Date _____

Along with this form, please provide:

- The COT3 form provided by Acas
- A cheque for £60 payable to 'HM Courts & Tribunals Service' (please do not send cash), or
- EX160 to apply for remission of the fee and appropriate evidence.

Please send your completed application form and requested documents to:

Registry Trust Limited
Acas and Employment Tribunal Enforcement
153–157 Cleveland Street
London W1T 6QW
Phone: 020 7391 7299

Once assigned by Registry Trust Limited a High Court Enforcement Officer will contact you to acknowledge safe receipt of your instructions.

All information will be kept confidential in accordance with the Data Protection Act 1998.